

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

NO. CR09-95-TSZ

Plaintiff,

v.

SUMMARY REPORT OF
U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

RYAN DOUGLAS MITCHELL,

Defendant.

An initial hearing on a petition for violation of supervised release was held before the undersigned Magistrate Judge on November 19, 2012. The United States was represented by Assistant United States Attorney Andy Colasurdo, and the defendant by Jay Stansell for Peter Avenia.

The defendant had been charged with Felon in Possession of Firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), Bank Fraud, in violation of 18 U.S.C. §§ 1344 and 2, and Aggravated Identity Theft, in violation of 18 U.S.C. § 1028A. On or about September 24, 2009, defendant was sentenced by the Honorable Thomas S. Zilly to a term of 48 months in custody, to be followed by 5 years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in a substance abuse program, financial disclosure, \$9,971.75 restitution, submit to search, participate in Moral

1 Reconation Therapy, shall not possess any drivers license or any other form of identification in
2 any other name, prohibition on incurring new debt, allow probation officer to inspect any
3 computer owned or operated by the defendant, and notify probation officer of all computer
4 software owned or operated by defendant.

5 In a Petition for Warrant or Summons dated October 24, 2012, U.S. Probation Officer
6 Martin J. Williams asserted the following violations by defendant of the conditions of his
7 supervised release:


- 8 (1) Using opiates on or before October 1, 2012, and October 3, 2012, in violation of
9 standard condition No. 7.
- 10 (2) Failing to notify his probation officer of law enforcement contact within 72
11 hours following his arrest on or before October 13, 2012, in violation of
12 standard condition No. 11.
- 13 (3) Failing to report for drug testing on October 16, 2012, in violation of the special
14 condition requiring him to report for urinalysis testing.
- 15 (4) Failing to participate in substance abuse treatment since on or before October
16 22, 2012, in violation of the special condition requiring him to participate in a
17 program approved by the probation office for treatment of narcotic addiction,
18 drug dependency, or substance abuse.

19 The defendant was advised of his rights, acknowledged those rights, and admitted to
20 alleged violations 1, 2, 3 and 4.

21 I therefore recommend that the Court find the defendant to have violated the terms and
22 conditions of his supervised release as to violations 1, 2, 3 and 4, and that the Court conduct a
23 hearing limited to disposition. A disposition hearing on these violations has been set before the
24 Honorable Thomas S. Zilly on December 10, 2012 at 1:00 p.m.

1 Pending a final determination by the Court, the defendant has been detained.

2 DATED this 19th day of November, 2012.

3 
4 JAMES P. DONOHUE
5 United States Magistrate Judge

6 cc: District Judge: Honorable Thomas S. Zilly
7 AUSA: Andy Colasurdo
8 Defendant's attorney: Peter Avenia
9 Probation officer: Martin J. Williams
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